

REMARKS

In the Office Action of May 31, 2005, the examiner has made final a restriction requirement to provisionally elected Group I consisting of claims 1-11 and 18-21 drawn to a method of positioning carts. Because the examiner has not responded to the refutation of separate utility, the applicant maintains its traverse of this requirement for appeal.

Group I comprising claims 1 – 11 and 18 – 21 stands rejected as obvious under Section 103(a). Claims 1 – 5, 7 – 9, 18 and 20 are rejected over Armentrout (U.S. Patent No. 2,950,126) in view of DiBartolomeo (U.S. Patent No. 6,149,370). Claims 6 and 19 are rejected in further view of Nordstrom (U.S. Patent No. 4,294,185), while claims 10, 11, and 21 are rejected in further view of Shuert (U.S. Patent No. 4,550,830). The applicant has amended claims 1, 12 and 18 to correct the formatting of the subparts.

With respect to claims 1-5,7-9, 18 and 20 the examiner states that Armentrout discloses fore to aft *spaced* channel shaped track sections (10). However, Armentrout shows only one continuous lateral track. Applicant has amended claim 1 to very clearly recite a plurality of fore to aft spaced channel sections, but this amendment is intended only as a clarification and not a narrowing of the claim. Upon examination of the claim the subsequent references to a “first track section” along with the initial plural “track sections” demonstrate that the amendment is only a clarification and not an additional limitation of scope. A similar clarifying amendment has been to claim 18. Accordingly, as clarified and explained, the applicant submits that Armentrout fails to disclose all of the elements of claims 1 and 18, and that those claims and their dependent claims 2-5, 7-9, and 20 should be allowable.

With respect to claims 6 and 19, not only is the plurality of track sections absent from Armentrout, but Nordstrom, which addresses the securing of mismatched length containers in a

ship's hold, is not analogous art to securing wheeled carts. Apart from the differences in cargo containers and wheeled carts, even the manner of removal of the cargo containers by vertical lift cranes from a ship's hold is substantially different from rolling carts out the open rear of a wheeled transport vehicle. The differences in configuration of ships and trucks further demonstrate the absence of commonality of the art.

Finally, claims 10, 11 and 21 all depend directly or indirectly from claim 1, and are allowable since the plurality of track sections are absent from Armentrout as discussed above.

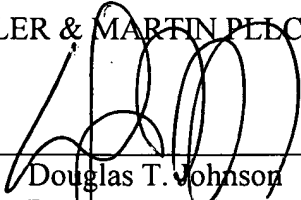
The applicant re-iterates its position that there is no basis for restriction since the claims are specifically directed to product transport carts, and are not applicable to amusement rides.

The applicant respectfully requests that the election/restriction requirement be removed and that a timely notice of allowance be issued in this case for claims 1-23.

Respectfully submitted,

MILLER & MARTIN PLLC

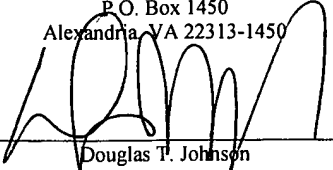
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